

that there shall be no advertisement on the outside of the hotel and/or motel in question to indicate that there is a bar situate therein. Periodic or postal-card advertisement of the existence of the bar at the hotel and/or motel in question shall not be prohibited. In the event that the hotel and/or motel in question has a restaurant in a building separate from the main body of the hotel and/or motel in question, in which would be served alcoholic beverages, there may be displayed on the outside of the restaurant building a sign, not to exceed three feet in length and one foot in height, reading COCKTAILS. In such case, no public bar may be maintained in said restaurant, but a service bar or service bars only.

§ 154-22. Bona fide clubs.

Club licenses shall be issued only to bona fide clubs as defined herein, except as provided in N.J.A.C. 13:2-8.5. No license shall be issued to any club unless it has been in active operation in the State of New Jersey for at least three years continuously immediately prior to the submission of its application for a license.

§ 154-23. Previous period of possession and use of club quarters.

Except as provided herein or in N.J.A.C. 13:2-8.5, no license shall be issued to any club unless it shall have been in exclusive possession and use of the clubhouse or club quarters for at least three years continuously immediately prior to the submission of its application for a license. A bona fide club which has been in active operation in this state for the period of time required as aforesaid but which has been deprived of continuous possession in use of its clubhouse or club quarters by reasons of foreclosure, loss of lease, eminent domain, fire, casualty or other removal for a cause other than the violation of the laws of state or of municipal ordinance shall not be prevented thereby from obtaining a club license upon presenting to the satisfaction of the issuing authority proof of said fact and proof that possession of suitable premises has been obtained.

§ 154-24. Exceptions to eligibility requirements.

Any constituent unit chartered or otherwise, duly in franchise, chapter or member club of a national or state order, organization or association, which is in possession of suitable premises shall not be prevented from obtaining a club license by reason of the fact that the unit, chapter or member club has not been in active operation in this state for at least three years continuously or has not been in the exclusive, continuous possession and use of a club house or club quarters for the same period of time, provided that said unit chapter or member of club obtains and submits to the issuing authority a certificate stating that said unit, chapter or member club has been duly credentialed by a national or state order, organization or association which has been in active operation in this state for at least three years continuously immediately prior to submission of the application for a license.

§ 154-25. Sales restricted of members.

- A. No club licensee shall sell, serve or deliver or allow, permit or suffer the sale, service or delivery of any alcoholic beverage to any person not a bona fide member of the club or a bona fide guest of such member.
- B. All club licensees shall have and keep on the licensed premises a true record of all scheduled dinners, luncheons, receptions, dances, parties, catered events and similar affairs held at the club-licensed premises and attended by nonclub members.

§ 154-26. Sale for on-premises consumption only.

No club licensee shall sell, serve or deliver or allow, permit or suffer the sale, service or delivery of any alcoholic beverages in the original containers for off-premises consumption.

§ 154-27. Hours of permissible sale and consumption.

No club licensee shall sell, serve or deliver or allow, permit or suffer the sale, service or delivery or consumption of any alcoholic beverage on the licensed premises during hours or on days when plenary licensees are prohibited from such activities.

§ 154-28. Licensee training and certification requirements.

All holders of plenary or limited retail distribution licenses issued under the provisions of N.J.S.A. 33:1-12 et seq. shall specifically comply with the regulations contained in N.J.A.C. 13:2-22 et seq.

§ 154-29. Closing requirement during public emergencies or crime investigations.

No licensee shall sell, serve or deliver or allow, permit or suffer the sale, service or delivery of any alcoholic beverage at retail or allow, permit or suffer the consumption of any alcoholic beverages on the licensed premises or allow, permit or suffer the retail licensed premises to be open during any period for which any duly constituted state, county or municipal law enforcement authority, because of a public emergency or investigation of crime, has ordered the licensed premises to be closed unless accepted by such authority to permit continuing conduct of business other than the sale of alcoholic beverages.

ARTICLE II Consumption in Public

§ 154-30. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ALCOHOLIC BEVERAGE — Any fluid, or solid capable of being converted into a fluid, suitable for human consumption and having an alcoholic content of more than 1/2% by volume, including beer, ale, still and sparkling wines, distilled liquors, blended liquors, fermented fruit juices or any brewed, fermented or distilled liquors fit for use for human consumption or any mixture of the same.

§ 154-31. Consumption in public prohibited.

It shall be unlawful for any person to consume or offer to another for consumption any alcoholic beverage in or upon any public street, road, alley, sidewalk, railroad right-of-way, parking lot which is generally open to the public, park, shopping plaza or upon any outdoor facility owned or operated by the City of Vineland.

§ 154-32. Open containers.

It shall be unlawful for any person to possess any alcoholic beverage in or upon any public street, road, alley, sidewalk, railroad right-of-way, parking lot which is generally open to the public, park, shopping plaza or upon any outdoor facility owned or operated by the City of Vineland unless such alcoholic beverage is contained within an original, sealed or closed container.

§ 154-33. Consumption on private property.

It shall be unlawful for any person to possess in open containers or consume or offer for consumption any alcoholic beverage in or upon any private property within the City of Vineland unless the person possessing, consuming or offering such alcoholic beverage is the owner or lessee of such private property or an invitee who has the permission or consent of the owner or lessee of such property to possess or consume alcoholic beverages thereon.

§ 154-34. Exceptions.

- A. Special permits; liability insurance.

- (1) The provisions of this article shall not apply to the possession or consumption of alcoholic beverages pursuant to a special permit issued by the Council of the City of Vineland or the Division of Alcoholic Beverage Control of the State of New Jersey when the person possessing or consuming alcoholic beverages is doing so in accordance with the terms and conditions of said permit and at the location authorized by said permit. However, this exception shall not apply to any public park or recreation area owned or operated by the City of Vineland.
 - (2) Where a special permit is issued by the Council of the City of Vineland or the Division of Alcoholic Beverage Control of the State of New Jersey with respect to the possession or consumption of alcoholic beverages pursuant to this section, the issuance of said special permit shall be contingent upon the applicant obtaining a policy of liability insurance insuring for any acts or omissions resulting directly or indirectly from the transfer and/or consumption of alcoholic beverages with the City of Vineland named as an insured in an amount of not less than \$1,000,000 per incident and \$3,000,000 aggregate.
- B. Nothing herein contained shall be construed to prohibit the consumption, possession or sale of alcoholic beverages on premises which are duly licensed pursuant to a retail consumption, retail distribution, retail transit, wholesale or club license issued by the governing body of the City of Vineland or by the Division of Alcoholic Beverage Control of the State of New Jersey.

§ 154-35. Labeling on containers.

- A. No licensee shall knowingly display, sell or deliver any alcoholic beverage in an original container having a content of fill less than that stated on the container or labeled thereof subject to such tolerance as permitted by federal law and regulation; and no licensee shall possess such a container except for the sole purpose of return for credit or replacement.
- B. No licensee shall manufacture, transport, possess, sell, barter, give away, offer for sale or furnish any alcoholic beverage adulterated with any foreign or harmful subject.
- C. Nothing in this section shall prohibit licensees from storing and temporarily retaining such beverages for the purpose of returning the same to a manufacturer or wholesaler that provided that the container is immediately resealed and labeled with the name and address of the customer and the date of the return by the customer.

§ 154-36. Violations and penalties.

- A. A person violating any provision of this chapter shall, upon conviction thereof for a first offense, be punishable by a fine of not more than \$200 or by imprisonment for not longer than 90 days, or by both such fine and imprisonment, in the discretion of the court.
- B. Upon a second offense, a person violating any provision of this chapter shall, upon conviction thereof, be punishable by a fine of not more than \$500 or by imprisonment for not longer than 120 days, or by both such fine and imprisonment, in the discretion of the court.
- C. For any subsequent violations, a person violating any provision of this chapter shall, upon conviction thereof, be punishable by a fine of not less than \$1,000 or by imprisonment for not longer than 120 days, or by both such fine and imprisonment, in the discretion of the court.